

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LLOYD H. CRABTREE

Plaintiff,

v.

**TEXAS PARKS AND WILDLIFE
DEPARTMENT**

Defendant.

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CIVIL ACTION NO. 6:13-cv-903

ORDER ADOPTING REPORT AND RECOMMENDATION

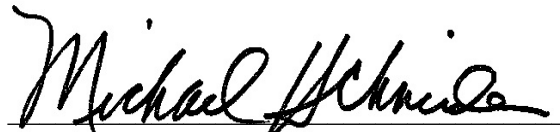
The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that Texas Parks and Wildlife Department's Motion to Dismiss on the Basis of Sovereign and Eleventh Amendment Immunity and Absence of Standing be granted with prejudice and that Plaintiff's Motion for Preliminary Injunction be denied. Plaintiff filed written objections (ECF 22), Defendants filed a Response (ECF 23), and Plaintiff filed a Response (ECF 24).

Having made a *de novo* review of the objections filed by Plaintiff, the findings, conclusions and recommendation of the Magistrate Judge are correct. The findings and conclusions of the Magistrate Judge are, therefore, adopted as those of the Court.

The Defendant has requested reasonable attorneys' fees for the time spent responding to this suit. The Court has discretion whether or not to award attorneys' fees under 42 U.S.C. § 1988. The Court will not award attorneys' fees in this case. It is thereby

ORDERED that Plaintiff's objections are **OVERRULED**. Defendant's Motion to Dismiss (ECF 13) is **GRANTED WITH PREJUDICE** and Plaintiff's Motion for Preliminary Injunction (ECF 17) is **DENIED**. Defendant's Request for attorneys' fees is **DENIED**.

SIGNED this 23rd day of September, 2015.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE